Express Mail Mailing Label No. EV334229586US										
1 12	TRANSMITTA		Application	Serial Number		09/738,614				
	, Let		Filing Date		Dec	December 15, 2000				
T& TRAI	TRANSMITTA	ΛT.	First Named	Inventor	Kau	Kaufman et al.				
		7.	Group Art U	Jnit	174	1743				
	FORM	Examiner N	ame	Jeffi	Jeffrey N. Snay					
			Attorney Do	ocket No.	MDS-013A					
ENCLOSURES (check all that apply)										
⊠ Fe	ee Transmittal Form (1 pg.)			e to File Missing		Notice of Appeal to Board				
			Parts of Applie	cation (PTO-1553)		of Patent Appeals and Interferences				
	☑ Check Attached☑ Copy of Fee☐ Transmittal Form (1 pg.)			ng(s)		Appeal Brief (in triplicate)				
	Amendment/Response		Request For Continued Examination (RCE)			Status Inquiry				
	☐ Preliminary ☐ After Final ☐ Affidavits/declaration(s)		Transmittal Power of Attor	rnev	⊠	Return Receipt Postcard				
	Letter to Official Draftsperson including Drawings		Power of Attorney (Revocation of Prior Powers)			Certificate of First Class Mailing under 37 C.F.R. 1.8				
	[Total Sheets]		Terminal Disc	laimer		Certificate of Facsimile Transmission under 37 C.F.R. 1.8				
	Petition for Extension of Time			aration and Power Tutility or Design	⊠	Additional Enclosure(s) (please identify below)				
	Information Disclosure Statement		Small Entity S			 ✓ Application for Patent Term Adjustment under 35 U.S.C. 154 (b) (3 pgs.) ✓ Copy of Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (1 pg.) 				
	Form PTO-1449 Copies of IDS Citations		CD(s) for large	e table or computer						
	Certified Copy of Priority Document(s)		Amendment A	fter Allowance						
	Sequence Listing submission Paper Copy/CD Computer Readable Copy Statement verifying identity of above		Request for Ce Correction Certificate duplicate)	ertificate of of Correction (in						
CORR	ESPONDENCE ADDRESS			SIGNATURE BLO	OCK					
Direct	Testa, Hu High Stre 125 High Boston, N Tel. No.:	et Tower	ibeault, LLP	Respectfully submitted, Date: July 12, 2004 Reg. No. 53,002 Tel. No.: (617) 310-8427 Fax No.: (617) 248-7100 High Street Tower 125 High Street Boston, MA 02110						

OIPE CEE

FÉE TRANSMITTAL FY 2004

	Complete if Known
Application Serial Number	09/738,614
Filing Date	December 15, 2000
First Named Inventor	Kaufman et al.
Group Art Unit	1743
Examiner Name	Jeffrey R. Snay
Attorney Docket No.	MDS-013A (6219/19)

METHOD OF PAYMENT	FEE CALCULATION (continued)					
1. Payment Enclosed:	3. ADDITIONAL FEES					
Check Money Order Other	Large	Small				
	Entity	Entity				
2. The Commissioner is hereby authorized to credit	Fee	Fee	Fee Description	Fee Paid		
or charge any fee indicated below for this submission	(\$)	(\$)				
to Deposit Account No. 20-0531.						
Required Fees (copy of this sheet enclosed).	130	65	Surcharge - late filing fee or oath			
Additional fee required under 37 CFR 1.16 and	50	25	Surcharge - late provisional filing fee			
1.17.			or cover sheet			
Overpayment Credit.	130	130	Non-English specification			
3. Applicant claims small entity status.	2,520	2,520	Request for ex parte reexamination			
FEE CALCULATION	110 55 Extension for reply within first month					
1. FILING FEE	420	210	Extension for reply within second			
			month			
Large Entity	950	475	Extension for reply within third month			
Fee (\$) Fee Description Fee Paid	1480	740	Extension for reply within fourth			
•			month			
	2010	1005	Extension for reply within fifth month			
770 Utility filing fee	330	165	Notice of Appeal			
340 Design filing fee	330	165	Filing a brief in support of an appeal			
160 Provisional filing fee	290	145	Request for oral hearing			
	130	130	Petitions to the Commissioner			
	180	180	Submission of Information Disclosure			
Number Number Rate Amount		20.5	Statement			
Filed Extra	770	385	Filing a submission after final rejection (37 CFR 1.129(a))	i I		
			rejection (37 CFR 1.129(a))			
Total Claims $-20 = x $ 18.00 =$	770	385	For each additional invention to be	1		
			examined (37 CFR 1.129(b))	<u> </u>		
Independent	100	100	Certificate of Correction for	l I		
Claims $4 - 3 = x \$ 86.00 = 86.00$,,,	5.5	applicant's error			
☐ Multiple Dependent Claim(s), if any \$290.00 =	110	55	Submission of Terminal Disclaimer Petition fee for Application for Patent	200.00		
Within the Dependent Claim(s), if any \$290.00 =	Other fee (Specify) Petition fee for Application for Patent Term Adjustment required under 37					
	•		C.F.R. 1.705 (b)(1)			
TOTAL:						
SMALL ENTITY DISCOUNT:						
SUBTOTAL (1) (\$)						
2. AMENDMENT CLAIM FEES]					
Claims Highest No. Present Rate Fee Paid	SUBTOTAL (3) (\$) 200.00					
Remaining Previously Extra						
After Amend. Paid For						
Total - = $x \$ 18.00 =$			SUBTOTAL (1)	0.00		
Indep = x \$ 86.00 =			SUBTOTAL (2)	0.00		
First Presentation of Multiple Dep. + \$290.00 =			SUBTOTAL (3)	200.00		
Claim			= = = = = = = = = = = = = = = = = = = =			
TOTAL: (\$)	•					
SMALL ENTITY DISCOUNT: (\$)						
SUBTOTAL (2) (\$)	TOTAL (\$) 200.00					
CORRESPONDENCE ADDRESS	SIGNATURE BLOCK					
Direct all correspondence to:			Respectfully submitted,			
Patent Administrator				یا ہے۔		
Testa, Hurwitz & Thibeault, LLP	Date: July 12	2, 2004	William Hotel	ulas		
High Street Tower-125 High Street	Reg. No.: 53		William R. Haulbrook			
Boston, MA 02110	Tel. No.: (61					
Tel. No.: (617) 248-7000	Fax No.: (617) 248-7100 Testa, Hurwitz & Thibeault, LLP					
Fax No.: (617) 248-7000	High Street Tower-125 High Street					
1 ax 110 (017) 240-7100	<u> </u>		Boston, MA 02110			



IFW \$30AC

Express Mail Mailing Label No. EV334229586US

PATENT

Attorney Docket No.: MDS-013A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

Kaufman et al.

CONFIRMATION NO.: 2193

SERIAL NO.:

09/738,614

GROUP NO.:

1743

FILING DATE:

December 15, 2000

EXAMINER:

Jeffrey R. Snay

TITLE:

METHOD OF MONITORING EFFECTS OF CHEMICAL

AGENTS ON A SAMPLE

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Application for Patent Term Adjustment under 35 U.S.C. 154 (b)

Sir:

- 1. This is a request for reconsideration of the patent term adjustment indicated in the Notice of Allowance. A copy of the Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) mailed from the Patent Office on June 21, 2004 is enclosed herewith.
- 2. Applicants submit that, in view of the statements herein, the correct patent term adjustment under 35 U.S.C. 154(b) up to the mailing date of the Notice of Allowance is 857 days. The bases for the adjustment are as follow:
 - Under 37 C.F.R. 1.702(a)(1), the Patent Office failed to mail at least one a. of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 before the expiration of fourteen months after the date on which this application was filed; and
 - b. Under 37 C.F.R. 1.702(b), the Patent Office failed to issue a patent within three years after the date on which this application was filed.

07/14/2004 JADDO2 00000099 09738614

01 FC:1455 200,00 OP 3. The relevant dates for the purpose of determining the correct patent term adjustment are as follow:

a. Adjustment under 37 C.F.R. 1.702(a)(1)

	with the court of	10/15/0000
1	Filing date of this application:	12/15/2000
1.	rining date of this application.	12/13/2000

ii. Day after the fourteen-month date from the filing date of 02/16/2002 this application:

iii. Mailing date of written restriction requirement: 03/18/2004

Number of days between (ii) and (iii): (a) 762 days

10/15/0000

b. Adjustment under 37 C.F.R. 1.702(b) up to the mailing date of the Notice of Allowance

1.	Fili	Filing date of this application:							12/15/2000			
	_	_	_	_		_	_					

ii. Day after the three-year date from the filing date of this application: 12/16/2003

iii. Mailing date of the Notice of Allowance: 06/21/2004

Number of days between (ii) and (iii): (b) 189 days

c. (a) + (b): (c) 951 days

d. Overlap between 12/16/03 and 3/18/04: (d) <u>94 days</u>

e. Total number of days adjusted [(c) - (d)]: (e) 857 days

- 4. Applicants further submit that the patent to be issued is not subject to any terminal disclaimer, and that there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of this application as set forth in 37 C.F.R. 1.704. Specifically, Applicants submit that responses to all notices and actions by the Patent Office were timely filed and well within the three-month period set forth in 37 C.F.R. 1.704(b):
 - a. A Notice to File Missing Parts was mailed to the Applicant on March 19, 2001. A response by the Applicants was received in the Office on April 16, 2001.
 - b. A Written Restriction Requirement was mailed to the Applicant on March 18, 2004. A response by the Applicants was received in the Office on April 19, 2004.

Accordingly, Applicants submit that the sum of the periods calculated under 37 C.F.R. 1.703(a)-(e) up to the mailing date of the notice of allowance, to the extent that such periods are not overlapping, less the sum of the periods calculated under 37 C.F.R. 1.704, amounts to a patent term adjustment of <u>857</u> days.

U.S. Application No. 09/738,614 Attorney Docket No. MDS-013A Page 3 of 3

5. Fee Payment (37 C.F.R. 1.18(e))

The fee required for consideration of this application is paid as follows:

- \boxtimes Enclosed is one check in the amount of \$200.00 representing the processing fees required under 37 CFR 1.705(b)(1).
- \boxtimes Charge Account 20-0531 for any fee deficiency.

If, for any reason, this Petition is found not to comply with the requirements of 37 CFR 1.705, or is otherwise found improper, it is requested that the undersigned attorney be contacted by telephone.

Respectfully submitted,

William R. Haulbrook, Ph.D.

Testa, Hurwitz, & Thibeault, LLP

Attorney for Applicants

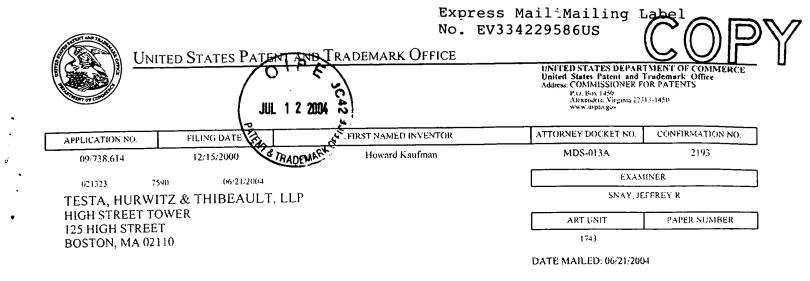
Date: July 12, 2004 Reg. No. 53,002

Tel. No. (617) 310-8427

Fax No. (617) 248-7100

125 High Street Boston, MA 02110

3092065



Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 378 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 378 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.